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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	: Chapter 11
	: Case No. 19-23649 (RDD)
PURDUE PHARMA L.P., et al.,	: (Jointly Administered)
Debtors.	: ----- x -----

**THE STATE OF DELAWARE'S AND THE STATE OF VERMONT'S
STATEMENT OF THE ISSUES TO BE PRESENTED AND DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

The States of Delaware and Vermont, by and through their Attorneys General, file this (a) Designation of Record on Appeal, and (b) Statement of the Issues To Be Presented, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, in connection with our appeal of (i) the Decision of Judge Drain confirming the Debtors' Joint Chapter 11 Plan of Reorganization (the "Plan"), issued orally on September 1, 2021 and modified by the Court's Modified Bench Ruling dated September 17, 2021, dkt. # 3786 (the "Decision"); and (ii) the Order dated September 17, 2021 confirming the Plan, dkt. # 3787 (the "Order"). The State of Delaware has noticed our appeal of the Decision and Order (*see* dkt. # 3851), and the appeal has been assigned District Court index number 21-cv-08139-CM. The State of Vermont has noticed

our appeal of the Decision and Order (*see* dkt. # 3849), and the appeal has not yet been assigned a District Court index number.

Bankr. ECF No.¹	Document Description	Hearing Exhibit No.
1	Chapter 11 Petition	
654	Notice of Filing of Report of the Special Committee	
1716	Mediators' Report, dated September 23, 2020	JX-1637
1833	DOJ--Sackler Settlement with Addenda	JX-2096
2983	Disclosure Statement for Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and Its Affiliated Debtors	JX-0534
3256	Objection of the United States Trustee to the Debtors' Sixth Amended Plan of Reorganization	
3268	Statement of the United States Regarding the Shareholder Release	
3270	Joint Objection of the State of Connecticut, the State of Maryland and the District of Columbia to the Debtors' Sixth Amended Plan of Reorganization	
3276	Objection to Confirmation of the Debtors' Plan of Reorganization Filed by the State of Washington, the State of Oregon, and the Objecting States	
3280	Joinder of the State of Delaware to Objection to Confirmation of the Debtors' Plan of Reorganization Filed by the State of Washington, the State of Oregon, and the Objecting States	
3442	The Mortimer D. Sackler Family's Response to Plan Objections and Statement in Support of Confirmation of the Sixth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma, L.P. and its Affiliated Debtors	
3773	Trust Advance Order	
3410	Declaration of Richard A. Collura, dated August 5, 2021	JX-3050
3411	Declaration of Jesse DelConte, attaching Amended Expert Report of Jesse DelConte, dated August 5, 2021	JX-3051
3416	Declaration of Garrett Lynam, dated August 5, 2021	JX-3032
3417	Declaration of Stephen A. Ives, dated August 5, 2021	JX-3033
3418	Declaration of David Sackler, dated August 5, 2021	JX-3034
3420	Declaration of Maureen M. Chakraborty, dated August 4, 2021	JX-3055
3422	Declaration of Timothy J. Martin, dated August 4, 2021	JX-3057
3424	Declaration of Mark F. Rule, CFA,, dated August 5, 2021	JX-3058
3428	Declaration of David W. DeRamus, PHD, dated August 5, 2021	JX-3059
3433	Declaration of John S. Dubel, dated August 5, 2021	JX-3037
3446	Declaration of John M. Guard In Support of Ad Hoc Committee's Reply to Plan Objections and In Support of Plan Confirmation, dated August 5, 2021	JX-3041
3447	Declaration of Jayne Conroy In Support of Ad Hoc Committee's Reply to Plan Objections and In Support of Plan Confirmation, dated August 3, 2021	JX-3042
3448	Declaration of Timothy J. Martin, dated August 5, 2021	JX-3092
3451	Declaration of Jonathan Greville White, dated August 5, 2021	JX-3093
3452	Declaration of Alexa M. Saunders, dated August 5, 2021	JX-3094
3460	Declaration of Michael Atkinson, dated August 5, 2021	JX-3045
3469	Expert Report of William Hrycay	JX-0483
3556	Declaration of Charles Cowan, Ph.D., dated August 5, 2021	JX-3269
3456	Declaration of Jesse DelConte, dated August 5, 2021	JX-3034
3438	Statement of the Raymond Sackler Family in Support of Confirmation of Debtors' Sixth Amended Plan	
3442	The Mortimer D. Sackler Family's Response to Plan Objections and Statement in Support of Confirmation of the Sixth Amended Joint Chapter 11 Plan	

¹ Documents cited herein were filed in the Chapter 11 case captioned *In re Purdue Pharma L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.)

3484	Debtors' Motion for Entry of an Order Authorizing the Debtors to Fund Establishment of the Creditor Trusts, the Master Disbursement Trust and TopCo	
3485	Debtors' Ex Parte Motion for Entry of an Order Shortening Notice	
3493	Objecting States' Objection to Ex Parte Motion for Entry of an Order Shortening Notice	
3552	Notice of Filing of [Debtors' Proposed] Findings of Fact, Conclusions of Law, and Order Confirming the Seventh Amended Plan	
3564	Transcript of hearing held on August 12, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3581	Transcript of hearing held on August 16, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3594	Limited Objection to Objection to Confirmation of the Debtors' Plan of Reorganization Filed by the States of Washington, California, Connecticut, Delaware, Maryland, Oregon, Rhode Island and Vermont and the District of Columbia	
3599	Transcript of hearing held on August 17, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3602	Transcript of hearing held on August 13, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3614	Amended transcript of hearing held on August 18, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3636	Supplemental Objection of United States Trustee to Debtors' Eighth Amended Plan of Reorganization	
3638	Transcript of hearing held on August 19, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3640	Corporate Monthly Operating Report	
3659	Transcript of hearing held on August 23, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3684	Transcript of hearing held on August 25, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3695	Transcript of hearing held on August 27, 2021 regarding, <i>inter alia</i> , confirmation of Debtors' Plan of Reorganization	
3626	Debtor's Reply to Limited Objection of the States of Washington, California, Connecticut, Delaware, Maryland, Oregon, Rhode Island and Vermont and the District of Columbia	
3710	Supplemental Objection of United States Trustee to Debtors' Eleventh Amended Plan of Reorganization	
3711	Notice of Filing of Seventeenth Plan Supplement	
3726	Twelfth Amended Joint Chapter 11 Plan of Reorganization	
3731	Transcript of hearing held on September 1, 2021 regarding, <i>inter alia</i> , Bench Ruling	
3786	Modified Bench Ruling dated September 17, 2021	
3787	Findings of Fact, Conclusions of Law, and Order Confirming the Twelfth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and Its Affiliated Debtors	
3778	The United States Trustee's Motion for Stay Pending Appeal	
3789	Motion of the States of Washington and Connecticut for a Stay Pending Appeal	
3724	Notice of Appeal (State of Washington)	
3725	Notice of Appeal (District of Columbia)	
3774	Notice of Appeal (Certain Canadian Municipalities)	
3775	Notice of Appeal (Certain Canadian First Nations and Metis People et al.)	
3776	Notice of Appeal (United States Trustee)	
3780	Notice of Appeal (State of Maryland)	
3784	Notice of Appeal (State of Connecticut)	
3799	Amended Notice of Appeal (United States Trustee)	
3812	Amended Notice of Appeal (State of Washington)	
3813	Notice of Appeal (State of California)	

3818	Amended Notice of Appeal (State of Connecticut)	
3832	Notice of Appeal (Rhode Island)	
3839	Amended Notice of Appeal (State of Maryland)	
3849	Notice of Appeal (State of Vermont)	
3851	Notice of Appeal (State of Delaware)	
3853	Notice of Appeal (State of Oregon)	

Adv. ECF No. ²	Document Description	Hearing Exhibit No.
1	Complaint for Injunctive Relief	
2	Motion for Preliminary Injunction filed by the Debtors	
3	Memorandum of Law in Support of Motion for Preliminary Injunction	
4	Declaration of Benjamin S. Kaminetzky in Support of Motion for Preliminary Injunction	
5	Declaration of Jesse DelConte in Support of Motion for Preliminary Injunction	
6	Declaration of Jamie O'Connell in Support of Motion for Preliminary Injunction	
37	Opposition to Motion for Preliminary Injunction filed by Multi-State Governmental Entities Group	
38	Washington's Opposition to Motion for Preliminary Injunction	
40	Declaration of Laura K. Clinton in Support of Washington's Opposition to Purdue's Motion for Preliminary Injunction, with Exhibits	
59	Omnibus Reply Brief filed by the Debtors	
60	Supplemental Declaration of Benjamin S. Kaminetzky in Support of Motion for Preliminary Injunction	
61	Declaration of Hayden A. Coleman in Support of Motion for Preliminary Injunction	
63	Statement of Raymond Sackler Family in Support of Motion for Preliminary Injunction	
82	Order Granting, in Part, Motion for Preliminary Injunction	
87	Transcript of October 11, 2019 Hearing	
105	Sackler Action Injunction, dated November 6, 2019	
287	Twenty-First Amended Order Granting Motion for a Preliminary Injunction	

Hearing Exhibit No.	Document Description
JX-2458	Purdue Pharma L.P. Issues Statement on Opioid Promotion
JX-1688	Board of Directors meeting agenda dated January 30, 2018
JX-1689	Board of Directors meeting agenda dated March 8, 2018
JX-3273	Email from Richard Sackler to Peter Boer, PPLP UCC 9002378586
JX-3274	Email from Richard Sackler to Craig Landau, PWG004493361
JX-3275	Transcript of September 23, 2020 – September 24, 2020 Deposition of Theresa Sackler
JX-3276	Email from Jonathan Sackler to Raymond Sackler et al., PWG004483596
JX-1718	Email from Ilene Sackler Lefcourt to Mortimer Sackler
JX-1674	Email from Russell Gasdia Email dated October 28, 2013
JX-3277	Email from Mortimer D.A. Sackler to Richard Sackler, PPLPUCC9002451449
JX-3278	Mortimer D. Sackler ("MDS") Family Charter, PPLPUCC00718353
JX-3279	2012 MDS Family Council Meeting Schedule, PPLPUCC002451751
JX-3280	Email from Geraldine McNaney to Mortimer Sackler et al., PPLPUCC002937188

² Documents cited herein were filed in the adversary proceeding captioned *Purdue Pharma L.P. v. Commonwealth of Massachusetts, et al.*, Adv. Case No. 19-08289 (RDD) (Bankr. S.D.N.Y.)

JX-3281	2014 MDS Family Council Meeting Schedule, PPLPUCC9002636907
JX-3282	Email from Mortimer Sackler Jr. to Mortimer Sackler, PPLPUCC000724271
JX-3283	Email from Kathe Sackler to John Stewart, PWG004448824
JX-3132	Email from Kathe Sackler
JX-3138	Email from Mike Innaurato
JX-3207	Email from John Stewart
JX-1222	PPI Amendments to By-Laws dated April 18, 2018
JX-1803	Third Amended Ltd. Partnership Agreement (PPLP)
JX-2011	PPI Board Minutes dated November 19, 2004
JX-1254	Purdue Frederick Executive Protection Policy for the period from November 15, 2003 to November 15, 2004
JX-1255	Purdue Frederick Excess Policy for the period from November 15, 2003 to November 15, 2004
JX-1305	Purdue Pharma L.P. D&O Policy for the period from December 12, 2016 to December 12, 2017
JX-1306	Purdue Pharma L.P. Excess D&O Policy for the period from December 12, 2016 to December 12, 2017
JX-1307	Purdue Pharma L.P. Excess D&O Policy for the period from December 12, 2016 to December 12, 2017
JX-1309	Purdue Pharma L.P. Excess D&O Policy for the period from December 12, 2016 to December 12, 2017
JX-1310	Purdue Pharma L.P. Excess Indemnity Policy for the period from December 12, 2016 to December 12, 2017
JX-1311	Purdue Pharma L.P. Excess Liability Policy for the period from December 12, 2016 to December 12, 2017
JX-1312	Classic A-Side Management Liability Policy for the period from December 12, 2016 to December 12, 2017
JX-2237	Email from David Sackler dated May 17, 2007
JX-3284	Email from Kathe Sackler to Mortimer Sackler, PPLPUCC001658754
JX-1727	Transcript of April 1, 2019 Deposition of Kathe Sackler
JX-3298	Transcript of September 18, 2020 Deposition of Ilene Sackler Lefcourt
JX-0408	Exhibit D to the Expert Report of Timothy J. Martin on behalf of The Mortimer-Side Initial Covered Sackler Persons, dated June 15, 2021 – Debevoise & Plimpton Mortimer-side Net Asset Presentation, dated January 15, 2020
JX-0192	Purdue Pharma, Inc., Minutes of a Meeting of the Board of Directors, dated February 24, 2021
JX-2241	F.P. Boer Email with Attachment
JX-0872	Purdue Pharmaceuticals L.P. Amended and Restated Limited Partnership Agreement, dated as of June 20, 2019
JX-1782	Quarterly Board of Directors Report dated April 21, 2020
JX-1790	Quarterly Board of Directors Report dated July 27, 2012
JX-1783	Letter from the Department of Health & Human Services to Bert Weinstein dated January 28, 2011
JX-1787	Letter from the Department of Health & Human Services to Bert Weinstein dated March 8, 2012
JX-1791	Letter from the Department of Health & Human Services to Bert Weinstein dated January 24, 2013
JX-1823	Report to the Board of Directors, dated April 5, 2006
JX-1824	Corporate Compliance 2006 Year-End Report to the Board of Directors, dated November, 2006
JX-1826	Corporate Compliance Quarterly Report, dated April 24, 2007
JX-1827	Report to Board of Directors, dated August 6, 2007
JX-1828	Corporate Compliance Quarterly Report, dated February 8, 2008
JX-1829	Corporate Compliance Quarterly Report, dated May 16, 2008
JX-1789	Report to Board of Directors, dated July 19, 2012
JX-1832	Quarterly Ethics and Compliance Report to Board of Directors dated March 9, 2016
JX-1800	Ethics and Compliance Quarterly Report to the Board of Directors, dated August 25, 2016

JX-1833	Ethics and Compliance Quarterly Report to the Board of Directors, dated August 25, 2016
JX-1801	Quarterly Ethics and Compliance Report to Board of Directors, dated December 1, 2016
JX-1834	Board Meeting: Ethics and Compliance – Confidential Presentation, dated March, 2017
JX-1835	Board of Directors Presentation: Ethics & Compliance Update, dated December, 2017
JX-1863	SOP Identifying Possible Diversion
JX-1864	SOP Indicators of Possible Diversion
JX-1870	SOP Routing of Reports of Concern
JX-1871	SOP for Implementing the Abuse and Diversion Detection Program (ADD)
JX-1877	SOP for Retention of HCP as Consultants, Advisors, and Speakers
JX-1878	SOP for Material Review
JX-2017	Decision, dated April 18, 2008
JX-2040	Decision, dated August 23, 2016
JX-2050	Quarterly Report to the Board, dated October 15, 2008
JX-2051	Quarterly Report to the Board, dated October 15, 2008
JX-2052	Quarterly Report to the Board, dated April 16, 2009
JX-2053	Quarterly Report to the Board, dated July 30, 2009
JX-2058	Quarterly Report to the Board, dated October 25, 2010
JX-2059	Quarterly Report to the Board, dated January 24, 2011
JX-2060	Quarterly Report to the Board, dated November 9, 2011
JX-2065	Quarterly Report to the Board, dated January 28, 2013
JX-2068	Quarterly Report to the Board, dated February 4, 2014
JX-2229	Email from Richard Sacker
JX-2233	Email from David Sackler
JX-2234	Email from Richard Sackler
JX-2239	Email from Jonathan Sackler
JX-2241	F.P. Boer Email with Attachment
JX-2252	Email from E. Mahony to RSS re Card program
JX-2304	Email from J. Stewart to RS re Butrans Weekly Report for the week ending April 15th
JX-2307	Email from Bert Weinstein
JX-2231	Email from Russell Gasdia
JX-2417	Email from David Sackler
JX-2423	Email from Theresa Sackler
JX-2484	Email from Russell Gasdia
JX-2658	Corporate Compliance Quarterly Report to Board of Directors, dated May 8, 2009
JX-2660	Corporate Compliance Quarterly Report to Board of Directors, dated October 19, 2009
JX-2662	Corporate Compliance Quarterly Report to Board of Directors, dated May 6, 2010
JX-2667	Corporate Compliance Quarterly Report to Board of Directors, dated July 21, 2011
JX-2670	Compliance Report to Board of Directors, dated April 27, 2012
JX-2676	Quarterly Compliance Report to the Board of Directors, dated January 16, 2014
JX-2693	Quarterly Report to the Board, dated May 13, 2013
JX-1895	Crim. Information Att. B (Agreed Statement of Facts), US v. PFC, 07-cr-29, ECF No. 5-2 (W.D.Va.)
JX-1897	Crim. Information Att. D (Civil Sett.), US v. PFC, 07-cr-29, ECF No. 5-4 (W.D.Va.)
JX-0840	Second Amended Complaint, <i>State of Connecticut v. Purdue Pharma L.P.</i> , no. X07 HHD-CV-19-6105325-S (Connecticut Superior Ct., Hartford Complex Lit. Dkt. July 1, 2019)
JX-0946	Unredacted Complaint For Injunctive and Other Relief, <i>District of Columbia v. Purdue Pharma L.P.</i> , Civil Action no. 2019 CA 003680 B

	(DC Superior Ct., Civil Div. June 3, 2019)
JX-0945	First Amended Complaint, <i>State of Delaware v. Purdue Pharma L.P.</i> , C.A. No. N18C-01-223 MMJ CCLD (Del. Superior Ct. April 26, 2019)
JX-1646	Complaint, <i>State of Delaware v. Richard Sackler</i> , Case no. N19C-09-062 MMJ CCLD (Del. Superior Ct. Sept. 9, 2019)
JX-0783	Complaint, <i>State of Oregon v. Richard Sackler</i> , Case no. 19CV44161 (Ore. Cir. Ct., Multnomah Cty. October 10, 2019)
JX-1647	Complaint, <i>State of Oregon v. Richard Sackler</i> , Case no. 19CV22185 (Ore. Cir. Ct., Multnomah Cty. May 16, 2019)
JX-0943	Complaint, <i>State of Oregon v. Purdue Pharma L.P.</i> , Case no. (Ore. Cir. Ct., Multnomah Cty. November 13, 2018)
JX-2214	Complaint, <i>State of Rhode Island v. Richard Sackler</i> , Case no. PC 2019-9399 (R. I. Superior Ct. Providence Sept. 19, 2019)
JX-1648	Exh. A. Amended Complaint, <i>State of Rhode Island v. Purdue Pharma L.P.</i> , Case no. PC 2018-4555 (R. I. Superior Ct. Providence Feb. 25, 2019) [Confidential – Subject to Protective Order]
JX-0948	Complaint, <i>State of Vermont v. Purdue Pharma L.P.</i> , Case no. 757-9-18 (VT Superior Ct. Chittenden Unit, Oct. 31, 2018)
JX-1649	Complaint, <i>State of Vermont v. Richard Sackler</i> , Case no. Case No. 469-5-19 Cncv (VT Superior Ct. Chittenden Unit, May 21, 2019)
JX-0944	First Amended Complaint for Injunctive and Other Relief, <i>State of Washington v. Purdue Pharma, L.P.</i> , Case no. 17-2-25505-0 SEA (dkt. #79) (Wash. Superior Ct., King Cty., May 4, 2018)
JX-2709	All exhibits attached to <i>The Ad Hoc Group of Non-Consenting States' Statement in Support of The Official Committee of Unsecured Creditors' Motions to Compel Production of Purportedly Privileged Documents or For In Camera Review</i> [docket 2012]
JX-2917	Exhibit A - Declaration of Gillian Feiner
JX-2918	Exhibit B - Email from Rob Rosiello, MCK-MAAG-0119373, attaching letters from Bob Rappaport, Director, Division of Anesthesia, Analgesia and Rheumatology Products, Office of Drug Evaluation II, CDER, MCK-MAAG-0119375 and MCK-MAAG-0119381.
JX-2919	Exhibit C - Email from Maria Gordian, MCK-MAAG-0117875.
JX-2920	Exhibit D - Email from Rob Rosiello, MCK-MAAG-0118819.
JX-2921	Exhibit E - Email from Loren Griffith, MCK-MAAG-0128552, and attachment, MCK-MAAG-0128553.
JX-2922	Exhibit F - FDA Advisory Committee on Reformulated OxyContin: Question & Answer Book, MCK-MAAG-0152135 (excerpted; includes slides 0,1, 2, 11, and 12 of slide deck numbered 0-121).
JX-2923	Exhibit G - Email from Jonathan Cain, MCK-MAAG-1071727.
JX-2924	Exhibit H - Email from William Mallin, MCK-MAAG-1072780.
JX-2925	Exhibit I - Email from Jonathan Cain, MCK-MAAG-0201523.
JX-2926	Exhibit J - Memo from Maria Gordian, MCK-MAAG-0118669.
JX-2927	Exhibit K - Email from Ed Mahony to the Board, MCK-MAAG-0117520, attaching June 2013 Financial Statement Cover Memo at MCK-MAAG-0117521.
JX-2928	Exhibit L - Email from Arnab Ghatak, MCK-MAAG-0112710 (attaching slides titled "Identifying OxyContin Growth Opportunities").
JX-2929	Exhibit M - Email from Russell Gasdia, MCK-MAAG-0119733.
JX-2930	Exhibit N - Email from David Lundie, MCK-MAAG-0117328.
JX-2931	Exhibit O - Email from Arnab Ghatak, MCK-MAAG-0112331.
JX-2932	Exhibit P - Email from John Goldie, MCK-MAAG-0119088.
JX-2933	Exhibit Q - Email from Anna Draganova, MCK-MAAG-1001200, and attachment, MCK-MAAG-1001201.
JX-2934	Exhibit R - Email from Christen Tingley, MCK-MAAG-0201384, and attachment, MCK-MAAG-0201388 (excerpted; includes slides 1-41).
JX-2935	Exhibit S - Email from Amir Golan, MCK-MAAG-0089955.
JX-2936	Exhibit T - Email from Martin Elling, MCK-MAAG-1056712.
JX-1650	<i>Consolidated Proof of Claim of States, Territories and Other Governmental Entities</i> , Claim No. 150563, including all of the complaints listed on schedule 10 thereof

JX-1651	Exhibit B to <i>Motion of Debtors Pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9019 Authorizing and Approving Settlements Between the Debtors and the United States</i> [docket 1828]
JX-1652	Exhibit C to <i>Motion of Debtors Pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9019 Authorizing and Approving Settlements Between the Debtors and the United States</i> [docket 1828]
JX-2613	Information, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 1).
JX-2614	Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2)
JX-2615	Schedule of Exhibits to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-1)
JX-2616	Exhibit A to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-2)
JX-2617	Exhibit B to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-3)
JX-2618	Exhibit C to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-4)
JX-2619	Exhibit D to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-5)
JX-2620	Exhibit E to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-6)
JX-2621	Exhibit F to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-7)
JX-2622	Exhibit G to Deferred Prosecution Agreement, <i>United States v. Practice Fusion, Inc.</i> , 2:20-cr-11-1 (D. Vt. Jan. 27, 2020) (docket 2-8)
JX-2623	Complaint, <i>State of Washington v. McKinsey & Co.</i> , Case no. 21-2-01540-5 SEA (Wash. Superior Ct., King Cty. Feb. 4, 2021) (docket 1)
JX-2624	Final Stipulated Consent Judgment, <i>State of Washington v. McKinsey & Co.</i> , Case no. 21-2-01540-5 SEA (Wash. Superior Ct., King Cty. Feb. 4, 2021) (docket 4).
JX-1655	Statement of United States Attorney John Brownlee on the Guilty Plea of the Purdue Fredrick Company and its Executives for Illegally Misbranding Oxycontin, (May 10, 2007)
JX-1656	Stipulated General Judgment, <i>State of Oregon ex rel Hardy Myers v. Purdue Pharma L.P.</i> , case no. 07c14241 (Oregon Cir. Ct., Marion Cty., May 8, 2007)
JX-1657	Stipulated General Judgment, <i>State of Connecticut v. Purdue Pharma, Inc.</i> , Docket No. CW074029935 (Connecticut Superior Ct., Hartford Dist., May 8, 2007)
JX-1658	<i>Commonwealth of Massachusetts v. Purdue Pharma LP</i> , No. 1884-CV-01808, 36 Mass. L. Rptr. 111, (Mass. Sup. Ct. Oct. 8, 2019)
JX-1659	Decision, <i>State of Rhode Island v. Purdue Pharma, L.P.</i> , C.A. No. PC-2018-4555 (R. I. Superior Ct. Providence August 16, 2019)
JX-1660	Confidential Memorandum from Peter Boer to Jon Sackler, Re: Sale of Pharmaceutical Interests, dated July 24, 2007, PPLUCC9000491386 [Highly Confidential – Subject to Protective Order]
JX-0497	Purdue Pharma Liability Analysis, J. Horewitz (June 24, 2021)
JX-0498	Exhibit 1 to Expert Report of J. Horewitz – Jessica B. Horewitz, PhD Curriculum Vitae
Exhibits to Declaration of Arik Preis Dated November 18, 2020 [docket 2318]	
JX-2937	Exhibit 125 July 27, 2011 email from Cecil Pickett forwarding a Stuart Baker email with attachment titled “Proposed 2012 Calendar of Meetings and Board Calls,” produced to the UCC under the Bates numbers PPLUCC9002657293-94
JX-2938	Exhibit 132 email from David Lundie to John Donovan, dated February 8, 2012, produced to the UCC under the Bates number PPLPC036000177151
JX-2939	Exhibit 133 September 2010 email chain produced to the UCC under the Bates number PPLUCC002449097
JX-2940	Exhibit 134 email from Michael Friedman dated March 5, 2006,

	produced to the UCC under the Bates number PPLPUCC002603602
JX-2941	Exhibit 135 February 15, 2011 email from Jonathan Sackler attaching Purdue board and management discussion materials, produced to the UCC under the Bates number PPLPUCC9003800123
JX-2942	Exhibit 136 excerpts from the minutes of a March 4, 2003 meeting of the board of directors of Purdue Pharma Inc., produced to the UCC under the Bates number PPLPUCC500647319
JX-2943	Exhibit 137 May 5, 2017 email from Craig Landau attaching a Purdue diagnostic and forward plan, produced to the UCC under the Bates number PWG004670879
JX-2944	Exhibit 138 February 2007 email chain produced to the UCC under the Bates number PPLPC061000013858
JX-2945	Exhibit 139 March 2008 email chain produced to the UCC under the Bates number PPLPC012000174476
JX-2946	Exhibit 141 November 2013 email chain produced to the UCC under the Bates number SideA00429689
JX-2947	Exhibit 142 June 2015 email chain produced to the UCC under the Bates number PPLPUCC9004448656
JX-2948	Exhibit 143 excerpts from a February 11, 2010 letter from Amy D'Agostino to Cecil Pickett attaching executed Director Agreements, produced to the UCC under the Bates number CP0000001
JX-2949	Exhibit 144 Executive Committee Meeting Notes & Actions, dated September 21, 2011, produced to the UCC under the Bates number RSF_OLK00035017
JX-2950	Exhibit 145 April 2012 email chain, produced to the UCC under the Bates number PPLPC012000372585
JX-2951	Exhibit 146 September 11, 2013 memorandum from McKinsey to John Stewart and Russ Gasdia, produced to the UCC under the Bates number PPLPC012000441614
JX-2952	Exhibit 147 August 15, 2013 email from Richard Sackler, produced to the UCC under the Bates number PPLPUCC9002391802
JX-2961	Exhibit 148 email from Stuart Baker dated August 21, 2013, produced to the UCC under the Bates number PPLPC045000016165
JX-2967	Exhibit 149 April 6, 2014 email from Edward Mahony, produced to the UCC under the Bates number PPLPC012000471641
JX-2977	Exhibit 150 excerpts from a presentation titled: Changes in prescriptions of OxyContin and OPANA ER after introduction of tamper resistant formulations among potentially problematic and comparator prescribers, produced to the UCC under the Bates number PPLPC019000826509
JX-2986	Exhibit 151 May 21, 2007 email and attached May 2007 calendar printout, produced to the UCC under the Bates numbers PPLPUCC001531749-50
JX-2993	Exhibit 152 excerpts from an August 2013 email from Donna Condon attaching an August 8, 2013 memorandum from McKinsey to John Stewart and Russ Gasdia, produced to the UCC under the Bates number MDSF00986947
JX-2994	Exhibit 153 June 2014 email chain, produced to the UCC under the Bates number PPLPC045000017003
JX-2995	Exhibit 154 excerpts from a Purdue OxyContin Annual Marketing Plan, dated October 6, 2013, produced to the UCC under the Bates number PAK000062549
JX-2996	Exhibit 155 excerpts from an August 15, 2013 Purdue board meeting agenda and attached August 8, 2013 memorandum from McKinsey produced to the UCC under the Bates number PPLP004409890
JX-2997	Exhibit 156 October 8, 2011 Google news alert, produced to the UCC under the Bates number RSF00683542
JX-2998	Exhibit 157 November 1, 2013 Google news alert, produced to the UCC under the Bates number RSF_OLK00008429
JX-2999	Exhibit 158 April 18, 2015 Google news alert, produced to the UCC under the Bates number MDSF00514742

JX-3000	Exhibit 159 July 2016 email chain, produced to the UCC under the Bates number PWG004484978.
JX-3001	Exhibit 160 January-February 2008 email chain, produced to the UCC under the Bates number SideA00391976
JX-3002	Exhibit 161 February 2008 email chain, produced to the UCC under the Bates number PPLPC042000011810
JX-3003	Exhibit 162 October 2014 email chain, produced to the UCC under the Bates number PPLPUCC000335135
JX-3004	Exhibit 163 document titled “CEO Considerations,” produced to the UCC under the Bates number PPLPUCC001662356
JX-3005	Exhibit 164 excerpts from a Dec. 6, 2019 “Presentation of Defenses (“Side A”),” which was provided to the UCC by counsel for Side A
JX-3006	Exhibit 165 excerpts from an October 8, 2010 Purdue news summary, produced to the UCC under the Bates number PPLPC061000060749
JX-3007	Exhibit 166 April 2012 email chain, produced to the UCC under the Bates number MARSH-PURDUE-001112
JX-3008	Exhibit 167 May 11, 2012 email and attached presentation and timeline, produced to the UCC under the Bates number MARSH-PURDUE-001768
JX-3009	Exhibit 168 May 2012 email chain, produced to the UCC under the Bates number MARSH-PURDUE-001777
JX-3010	Exhibit 171 excerpts from a February 29, 2012 Purdue news summary, produced to the UCC under the Bates number IACS_ESI_0000490680
JX-3011	Exhibit 174 document titled “Proposal Regarding Board Practices,” produced to the UCC under the Bates number MSF00144650
JX-3012	Exhibit 175 July 16, 2017 email from Mortimer Sackler produced to the UCC under the Bates number SideA00229177
JX-3013	Exhibit 176 March 10, 2008 email from Richard Sackler produced to the UCC under the Bates number PPLPC023000164605
JX-3014	Exhibit 177 April-May 2011 email chain produced to the UCC under the Bates number PPLPUCC9000363533
JX-3015	Exhibit 178 <i>Purdue’s Written Responses to 30(b)(6) Topics</i> , served in connection with <i>In re: National Prescription Opiate Litigation</i> , MDL No. 2804, in the United States District Court, Northern District of Ohio, produced to the UCC under the Bates number POK003735973
JX-3016	Exhibit 179 June 18, 2014 Purdue news summary, produced to the UCC under the Bates number POK003746339
JX-3017	Exhibit 180 April 12, 2012 OxyContin Market Events presentation, produced to the UCC under the Bates number PPLPC012000372437
JX-2953	Exhibit 182 Purdue plea agreement with the United States dated October 20, 2020 and filed in these proceedings at EFC No. 1828-2
JX-2954	Exhibit 183 excerpts from a notification of patent decision in <i>In re Oxycontin Antitrust Litig.</i> , No. 1:06-cv-13095-SHS (S.D.N.Y. Jan. 7, 2008), produced to the UCC under the Bates number PURCHI-000834581
JX-2955	Exhibit 185 excerpts from the audited combined financial statements of Purdue for years ended December 31, 2007 and 2006, produced to the UCC under the Bates number PPLPUCC500056846
JX-2956	Exhibit 186 May 1999 email chain, produced to the UCC under the Bates number PPLPUCC000004987
JX-2957	Exhibit 187 March 2007 email chain, produced to the UCC under the Bates number PPLPUCC004057767
JX-2958	Exhibit 188a privilege slip sheet, produced to the UCC under the Bates number PPLPC051000035807, and is identified in metadata as the parent document of PPLPC051000035808 (Ex. 188b to this Declaration)
JX-2959	Exhibit 188b 2006 Comment published in Northwestern University Law Review titled: “West Virginia’s Painful Settlement: How the OxyContin Phenomenon and Unconventional Theories of Tort Liability May Make Pharmaceutical Companies Liable for Black Markets,” produced to the UCC under the Bates number PPLPC051000035808

JX-2960	Exhibit 189 Purdue News Summary circulated on June 20, 2014, produced to the UCC under the Bates number PAZ000115626
JX-2962	Exhibit 190 June 2014 email chain, produced to the UCC under the Bates number PPLPC045000017003
JX-2963	Exhibit 191 excerpts from the audited combined financial statements of Purdue for years ended December 31, 2008 and 2007, produced to the UCC under the Bates number PPLPUCC500056885
JX-2964	Exhibit 192 May 2012 email chain, produced to the UCC under the Bates number MARSH-PURDUE-001863
JX-2965	Exhibit 194 May 2012 email chain, produced to the UCC under the Bates number MARSH-PURDUE-001804
JX-2966	Exhibit 195 excerpts from a privilege log dated March 5, 2019, produced by the Debtors in connection with MDL litigation, and provided to the UCC in connection with these proceedings
JX-2967	Exhibit 199 State Settlement Agreement and Release dated July 17, 2007, and entered into by the State of Washington and The Purdue Frederick Company, Inc. and Purdue Pharma L.P., produced to the UCC under the Bates number PPLPC030000403213
JX-22968	Exhibit 200 online curriculum vitae of Norton Rose Fulbright attorney Donald Strauber, which was obtained on November 17, 2020, at https://www.nortonrosefulbright.com/en-us/people/1016474 .
JX-2969	Exhibit 201 affidavit of Edward B. Mahony, dated February 4, 2014, and submitted in connection with the lawsuit styled <i>Purdue Pharma L.P. v. Combs</i> , Case No. 2013-CA-001941, in the Commonwealth of Kentucky Court of Appeals
JX-2970	Exhibit 202 journal article: Ryan N. Hansen, et al., Economic Costs of Nonmedical Use of Prescription Opioids, 27 CLINICAL J. OF PAIN 194 (2011)
JX-2971	Exhibit 203 excerpts from the audited combined financial statements of Purdue for years ended December 31, 2009 and 2008, produced to the UCC under the Bates number PPLPUCC500056924
JX-2972	Exhibit 204 December 24, 2010 email to Richard Sackler titled "What's new for 'oxycontin' in PubMed," produced to the UCC under the Bates number RSF_OLK00055037
JX-2973	Exhibit 205 excerpts from the audited combined financial statements of Purdue for years ended December 31, 2010 and 2009, produced to the UCC under the Bates number PPLPUCC500056963
JX-2974	Exhibit 206 October 2014 email chain, produced to the UCC under the Bates number PPLPC045000017072
JX-2975	Exhibit 207 email from Howard Udel forwarding a March 10, 2008 article titled: "Anatomy Of A Patent Dispute: Purdue Pharma's OxyContin Battle," produced to the UCC under the Bates number MSF01116645
JX-2976	Exhibit 209 March 2007 email chain, produced to the UCC under the Bates number PPLPUCC9004824942
JX-2978	Exhibit 210 annual report review letter to Purdue from the Office of Inspector General, U.S. Department of Health & Human Services, dated May 6, 2009, produced to the UCC under the Bates number PNY000127987
JX-2979	Exhibit 211 annual report review letter to Purdue from the Office of Inspector General, U.S. Department of Health & Human Services, dated April 1, 2010, produced to the UCC under the Bates number PPLP004250164
JX-2980	Exhibit 212 annual report review letter to Purdue from the Office of Inspector General, U.S. Department of Health & Human Services to Purdue, dated January 28, 2011, produced to the UCC under the Bates number PPLPUCC001877705
JX-2981	Exhibit 213 annual report review letter to Purdue from the Office of Inspector General, U.S. Department of Health & Human Services to Purdue, dated March 8, 2012, produced to the UCC under the Bates number PPLPUCC001884369

JX-2982	Exhibit 214 annual report review letter to Purdue from the Office of Inspector General, U.S. Department of Health & Human Services to Purdue, dated January 24, 2013, produced to the UCC under the Bates number PPLP004427723
JX-2983	Exhibit 215 August 2014 email chain, produced to the UCC under the Bates number PPLPUCC9004797180
JX-2984	Exhibit 218 deposition transcript excerpts from the October 30, 2020 deposition of Cecil Pickett, Ph.D
JX-2985	Exhibit 219 deposition transcript excerpts from the November 4, 2020 deposition of Stuart Baker
JX-2987	Exhibit 221 deposition transcript excerpts from the August 28, 2020 deposition of David Sackler
JX-2988	Exhibit 223 deposition transcript excerpts from the November 5, 2020 deposition of Kathe Sackler
JX-2989	Exhibit 224 deposition transcript excerpts from the October 27, 2020 deposition of John Stewart
JX-2990	Exhibit 225 deposition transcript excerpts from the October 30, 2020 deposition of Mark Timney
JX-2991	Exhibit 226 deposition transcript excerpts from the November 10, 2020 deposition of Mortimer D.A. Sackler
JX-2991	Exhibit 228 deposition transcript excerpts from the November 16, 2020 deposition of Peter Boer

ISSUES TO BE PRESENTED ON APPEAL

The States of Delaware and Vermont hereby identify the following issues to be presented on appeal:

1. Whether the Bankruptcy Court erred in approving the Plan’s nonconsensual third-party releases, as set forth in §§ 10.6(b) and 10.7(b) of the Plan (the “Third-Party Releases”), when they effectively extinguished police power claims of sovereign states such as the States against the Shareholder Released Parties and Released Parties.
2. Whether the Bankruptcy Court erred in ruling it had subject matter jurisdiction to approve the Third-Party Releases on the basis that the claims to be released thereby (the “Released Claims”), if permitted to remain unaffected by the Plan, would have a “conceivable effect” on the Debtors’ estates.
3. Whether the Bankruptcy Court had the statutory power to approve the Third-Party Releases when there is no express provision in the Bankruptcy Code authorizing such releases and where 11 U.S.C. § 524(e) provides that a discharge of a debt of a debtor does not affect the liability of any other entity on, or property of any other entity for, such debt.
4. Whether the Bankruptcy Court erred in ruling it had “core jurisdiction” to approve the Third-Party Releases pursuant to 28 U.S.C. § 157(b)(2)(L) where such releases are of claims held by nondebtors against other nondebtors and they effectively adjudicated the Released

Claims without affording the Releasing Parties an ability to litigate the Released Claims in a forum of their choice.

5. Whether the Bankruptcy Court’s imposition of the Third-Party Releases by confirmation of the Plan violated the due process clause of the United States Constitution by depriving the States and others of the opportunity to voluntarily litigate or settle their claims against the nondebtor parties that were released.

6. Whether the Third-Party Releases were beyond the scope of the Bankruptcy Clause, U.S. Const. art. I, § 8, cl. 4, and thus beyond the constitutional power of the Bankruptcy Court to approve.

7. Whether the Bankruptcy Court lacked the constitutional power to approve the Third-Party Releases under *Stern v. Marshall*, 564 U.S. 462 (2011) and other applicable authority.

8. Whether the Bankruptcy Court misapplied the standards for approving the Third-Party Releases where, *inter alia*, the Released Claims included claims of the States and others that would be susceptible to nondischargeability in a bankruptcy case or cases in which the individual Shareholder Released Parties and the individual Released Parties were debtors and where the Sackler Family Members were spared the need to undergo bankruptcy proceedings themselves while retaining a substantial portion of their wealth.

9. Whether the Bankruptcy Court erred in ruling that the “best interests of creditors” test under 11 U.S.C. § 1129(a)(7)(A)(ii) did not require considering the value or collectability of claims against nondebtors that were involuntarily released under the Plan, but that would not be so released in a hypothetical chapter 7 case of the Debtors.

10. Whether the Bankruptcy Court erred in finding that the Debtors satisfied their burden of proving, as required by 11 U.S.C. § 1129(a)(7)(A)(ii), that dissenting creditors such as the States would receive or retain under the Plan on account of their claims property of a value that is not less than they would receive or retain if the Debtors were subject to liquidation under chapter 7 of the Bankruptcy Code.

11. Whether the Claims of state governmental units such as the States were properly classified under the Plan in the same class with Claims of local governmental units such as municipalities.

Dated: October 13, 2021

Respectfully submitted,

/s/ Marion Quirk

Owen Lefkon

Director, Fraud and Consumer Protection Division

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CERTIFICATE OF SERVICE

I, Marion Quirk hereby certify that, on October 13, 2021, I caused true and correct copies of the foregoing document to be served (i) by the Court's Case Management/Electronic Case File (CM/ECF) System to all parties who are deemed to have consented to electronic service; (ii) by email upon the parties who provided email addresses set forth in the Master Service List maintained by the Debtors in respect of these chapter 11 cases; and by email upon the chambers of the Honorable Judge Robert D. Drain (rdd.Chambers@nysb.uscourts.gov) and the Office of the United States Trustee for the Southern District of New York (Attn: Paul K. Schwartzberg, paul.schwartzberg@usdoj.gov).

/s/ Marion Quirk

MARION QUIRK